

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

YOANDY FERNANDEZ MORALES,  
Plaintiff,  
v.  
VILLEGAS, et al.,  
Defendants.

Case No.: 3:24-cv-00281-ART-CSD

## ORDER

(ECF Nos. 1, 1-2)

9 On July 2, 2024, pro se plaintiff Yoandy Morales, an inmate in the custody of the  
10 Nevada Department of Corrections who is housed at Northern Nevada Correctional  
11 Center (“NNCC”), submitted a civil-rights complaint under 42 U.S.C. § 1983, a motion to  
12 exceed the page limit for pro se civil-rights complaints, proposed summonses, and an  
13 application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1-2, 1-3, 1). The Court denies  
14 Morales’s application to proceed *in forma pauperis* without prejudice because it is  
15 incomplete. It denies his motion for leave to file excess pages as moot. And it disregards  
16 his proposed summonses because they are premature.

## I. DISCUSSION

**A. Morales must either pay the filing fee or file a new IFP application.**

19        This Court must collect filing fees from parties initiating civil actions. 28 U.S.C.  
20      § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which  
21      includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any  
22      person who is unable to prepay the fees in a civil case may apply to the court for leave to  
23      proceed *in forma pauperis*.” Nev. LSR 1-1. Effective February 1, 2024, NNCC inmates  
24      filing lawsuits in the U.S. District Court for the District of Nevada are directed to apply for  
25      *in forma pauperis* status using the form titled “Application to Proceed *In Forma Pauperis*  
26      by an Inmate at Northern Nevada Correctional Center.”

Morales's application to proceed *in forma pauperis* is incomplete because he used an outdated form and did not include all the financial documents required by that form.

1 Specifically, although Morales submitted a completed financial certificate with his  
2 application, he did not also include an inmate trust fund account statement for the  
3 previous six-month period with it. (See ECF No. 1). The Court denies Morales's  
4 incomplete application and will give him an extension of time to either pay the full \$405  
5 filing fee or file a fully complete application to proceed *in forma pauperis* by an inmate at  
6 NNCC.

7 **B. Morales's motion for excess pages is moot.**

8 Morales moves for leave to file an oversized civil-rights complaint. (ECF No. 1-2).  
9 The body of Morales's proposed pro se civil-rights complaint is 16 pages. (See ECF No. 1-  
10 1). Morales attached dozens of pages of exhibits to his proposed complaint. (See *id.*).  
11 Although attaching exhibits like evidence to an initial or amended complaint is strongly  
12 discouraged, the Court will not count Morales's exhibits against the 30-page limit for his  
13 complaint. See General Order No. 2021-05 at ¶ 2. The Court thus denies Morales's  
14 motion for excess pages as moot.

15 **C. Morales's proposed summonses are premature.**

16 Morales has submitted proposed summonses. (ECF No. 1-3). As the Court  
17 explained in the advisory letter that it sent Morales when he initiated this action, “[t]he  
18 Court will review your complaint before docketing and service of defendants.” (ECF No. 2  
19 at 1). Review means that the Court will “screen” the complaint under 28 U.S.C. § 1915A  
20 “to identify any ‘colorable claims’” and dismiss any claims that are frivolous, malicious, or  
21 fail to state a colorable claim for relief or seek monetary damages from any defendant  
22 who is immune from that relief. (*Id.*) “This process may take many months.” (*Id.*) The letter  
23 reiterated that “the Court will order service upon defendants when it is time to do so.” (*Id.*  
24 at 3).

25 The Court has not yet screened Morales's complaint. Once Morales either pays  
26 the full filing fee or files a complete application to proceed *in forma pauperis*, the Court  
27 will screen his complaint in the ordinary course. And the Court will order service on the  
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1 defendants when it is time to do so. The Court thus disregards Morales's proposed  
2 summonses as premature.

3 **II. CONCLUSION**

4 It is therefore ordered that Morales's incomplete application to proceed *in forma*  
5 *pauperis* (ECF No. 1) is denied without prejudice.

6 It is further ordered that Morales has **until August 2, 2024**, to either pay the full  
7 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis*, which  
8 is pages 1–3 of the Court's approved form, for inmates at NNCC.

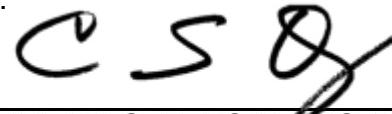
9 It is further ordered that Morales's motion for excess pages (ECF No. 1-2) is denied  
10 as moot.

11 It is further ordered that Morales's proposed summonses (ECF No. 1-3) are  
12 disregarded as premature.

13 Morales is cautioned that this action will be subject to dismissal without prejudice  
14 if he fails to timely comply with this order. A dismissal without prejudice allows Morales to  
15 refile the case with the Court, under a new case number, when he can either pay the filing  
16 fee or properly apply for *in forma pauperis* status.

17 The Clerk of the Court is directed to send Plaintiff Yoandy Morales an application  
18 to proceed *in forma pauperis by an inmate at NNCC* and instructions for the same. The  
19 Court will retain Morales's complaint (ECF No. 1-1), but will not file it at this time.

20 DATED THIS 8th day of July 2024.  
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UNITED STATES MAGISTRATE JUDGE  
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